

Applicant : Nozaki, et al.  
Serial No. : 09/677,042  
Filed : September 29, 2000  
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Attorney's Docket No.: 13452-006001 / PH-1027US

### REMARKS

#### Status of the Claims

##### *Pending claims*

Claims 1 to 15 as filed are pending.

#### The Restriction Requirement

The Patent Office has alleged that the pending claims of the application are directed to two separate and distinct inventions under 35 U.S.C. §121:

- I. Claims 1-11, drawn to a method and apparatus to display gene expression patterns, classified in class 702, subclass 20.
- II. Claims 12-15, drawn to method, apparatus and storage medium for visually displaying expression patterns of multiple genes, classified in class 702, subclass 20.

#### The Election

In response to the Restriction Requirement, Applicants elect Group I, claims 1 to 8, drawn to a method and apparatus to display gene expression patterns, classified in class 702, subclass 20.

#### The Species

The Patent Office has further alleged that the claims are directed to patentably distinct species:

1. a time sequential;
2. states of individual's tissues;
3. species of individuals;
4. individual's sites;
5. presence and absence of an artificial condition;
6. a combination of (a) through (e).

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The Species Election

In response, Applicants elect the species "states of individual's tissues."

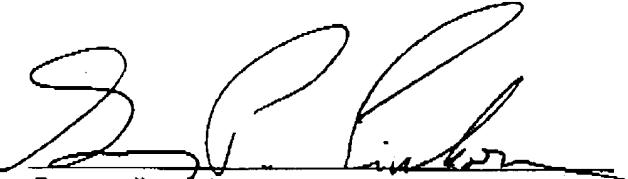
When the elected species is held to be allowable, Applicants are entitled to consideration (examination) of additional species; if all species are held to be allowable, a generic claim should be allowed (MPEP §809.02(c); pg 800-50, 8<sup>th</sup> Edition, August 2001).

Applicant believes that no fee is required for submission of this Response. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 06-1050. Please credit any overpayment to the above-noted Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 678 5070.

Respectfully submitted,

Date:

  
Aug. 8, 2002

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